

Where a mortgage debt is payable by instalments, the mortgage may be foreclosed when the first instalment becomes due.

An injunction granted to protect mortgaged property before the mortgage debt became due.

tion would inflict upon the plaintiff an irreparable injury which could not be fully compensated by an action at law. *Ibid.* The English doctrine as to the right to ancient lights and windows, based upon twenty years user, is not applicable in this State. *Ibid.*

5. *Riparian and Water Rights.* Chancery has power to prohibit by injunction the obstruction of water courses, the diversion of streams from mills, the back flowage upon them, and in uries of the like kind, which from their nature cannot be adequately compensated by damages at law. *Lamborn v. Covington Co.* 2 Md. Ch. 409. A riparian proprietor is entitled to have the stream flow in its ordinary purity and quantity, and if an upper proprietor invade his rights in this respect, he has an action at law or may be relieved by injunction. *Balto. v. Warren Co.* 59 Md. 96. See this note *supra* as to nuisances. As to pollution of streams cf. *Gladfelter v. Walker*, 40 Md. 1. As to the rights of riparian proprietor generally, see *Dugan v. Balto.* 5 G. & J. 357, note (a).

The plaintiff's bill for an injunction to prevent the introduction of an artificial supply of water into a stream flowing through his land, alleged that he was credibly informed and verily believed that the introduction of such supply would cause the stream to overflow its banks, render valueless his land, and cause continued and irreparable damage. *Held.* 1. That the averment that "he was credibly informed and verily believed," together with the statement of the facts upon which his belief was founded, was sufficient. 2. That he was not bound to wait until actual damage was sustained, nor was he bound to obtain the opinion of scientific persons as to the probable consequences resulting from this artificial addition of water. 3. That it would not be enough that the injunction should merely enjoin the introduction of an additional supply of water in such a way, or to such an extent, as would cause the stream to overflow its banks, or would interfere with the ordinary use of the stream by plaintiff. *Balto. v. Appoll*, 42 Md. 442. Under a charter giving to a railroad company the power to acquire land by condemnation, the company have the right to divert a stream flowing across the line of their road, and will not be enjoined at the instance of the owner of land. *R. R. Co. v. Magruder*, 34 Md. 79.

6. *Pertaining to Condemnations.* In a case where a company condemns land for the purpose of building its road, whether the particular property it is seeking to condemn is liable or not, or any question as to the mode of procedure, or any matter of irregularity in the exercise of the power are only questions of the *quo modo* of exercising the chartered power. Such irregularities do not render the proceedings void, but only voidable, and however effective as grounds of objection to the confirmation of the inquisition before the proper tribunal, do not furnish any ground for the intervention of equity. *C. P. R'way v. P. R. R.*, 57 Md. 279.

When one railroad is proceeding to construct its road across that of another company forcibly and not in compliance with law, an injunction will be granted. *P. R. R. v. Consol. Coal Co.*, 55 Md. 158. Injunction granted to restrain a corporation from taking land under a condemnation proceeding when the law authorizing the same had been repealed. *Frederick v. Groshon*, 30 Md. 441. Injunction to restrain defendant from entering on the land of complainant under color of a condemnation thereof for the use of a